

EXHIBIT A

Letter from R. Cook to L. Schapira (May 1, 2012)

DECLARATION OF ROBERT N. COOK

Rockwell Automation v. WAGO Corporation, Case No.3:10CV00718-WMC (W.D. Wis.)



WHITHAM, CURTIS, CHRISTOFFERSON & COOK, P.C.
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May 1, 2012

Lisa Schapira, Esq.
Chadbourne & Parke, LLP
30 Rockefeller Plaza
New York, N.Y. 10112

Re: *Rockwell Automation, Inc. v. WAGO Corporation*,
Case No. 3:10CV718-WMC (W.D. Wis.)

Dear Lisa:

I write to respond to your letter dated April 30, 2012, which follows up on the telephone conference of the same date which was held in conformity with the Court's text-only order of April 20, 2012 directing the parties, among other things, to meet and confer "about the percolating discovery disputes and misunderstandings." (Dkt. 70) At this conference, you represented Plaintiffs, while Chris Nyenhuis and I represented Defendants. Defendants were prepared to address Plaintiffs' discovery issues; however, Plaintiffs were not prepared to discuss Defendants' discovery issues and, as a result, the parties were unable to address all of the percolating discovery disputes.

As a general matter, the eight points enumerated in your letter are correct, with the caveat that it would be inaccurate to characterize us as having represented that either WAGO Corporation ("WCP") or WAGO Kontakttechnik GmbH & Co. ("WKT") has made a complete and exhaustive search of every single piece of paper and every single electronic file anywhere in either company. The search methodologies used by WCP are discussed in the Declaration of G. Rinn (Dkt. 49), and the search methodologies used by WKT are discussed in the Declaration of N. Hatke (Dkt. 44). Additional information is provided in Defendants' Document Production Timeline. (Dkt. 73) With regard to the non-production of databases as discussed in paragraph 2 of your letter, it would be more accurate to say "except for WKT and WCP's databases that aggregate financial and product information." With regard to footnote 1 of your letter, we are aware of the content of Plaintiffs' Document Requests No. 79-89, dated March 9, 2012. As stated during our telephone conference, WCP and WKT have searched for documents responsive to those requests.

Lisa Schapira, Esq.
May 1, 2012
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The production of documents from WCP is completed, as is the production of English-language documents from WKT. We expect to be able to complete the production of German-language documents from WKT by May 11, 2012.

Finally, your letter states: "Rule 34(E) of the Federal Rules of Civil Procedure requires the production of electronically stored information, like email, to be produced in the form in which it is maintained." To the contrary, however, Federal Rule of Civil Procedure 34(E)(ii) provides: "If a request does not specify a form for producing electronically stored information, a party must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms" (emphasis added). As I stated to you during our telephone conference, the PDF format in which documents have been produced is reasonably usable. Furthermore, it was Defendants' intention to produce documents in a machine-readable format, and we believe (i) that we have done so where we could and (ii) that the overwhelming majority of documents produced to date are machine-readable.

Very truly yours,



Robert N. Cook



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Abbreviations:

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 R: Host receive
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PL: Polled local
 PR: Polled remote
 MS: Mailbox save

MP: Mailbox print
 CP: Completed
 FA: Fail

TU: Terminated by user
 TS: Terminated by system
 RP: Report
 G3: Group 3
 EC: Error Correct